HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No.12129 OF 2007

Between:

Reddy Srinivasa Rao

…Petitioner

AND

The Government of A.P.,
Rep., by its Chief Secretary,
Secretariat Buildings,
Hyderabad and five others

...Respondents

: O R D E R :

Counsel for the petitioner : Shri K.V. Subrahmanya Narusu

June 14, 2007

Per G.S. Singhvi, CJ

In last 30 years, the Supreme Court and the High Courts have been flooded with large number of petitions filed by individuals and group of individuals in the name of public interest litigation. The mushroom growth of this branch of litigation has made the higher judiciary conscious of the dangers which are inherent in exercising

jurisdiction and power in public law domain without there being any tangible material to support the complaint regarding violation of the rights of the have-nots, downtrodden and weaker sections of the society. This is the reason why the Courts insist that the person invoking jurisdiction in pro bono publico litigation must establish his bona fides and produce material to discharge the primary burden of showing that the cause brought by him before the Court is meant for protecting the rights and interest of the mute section of the society or the have-nots, downtrodden and disadvantaged people or for protecting larger public interest.

The petitioner, who is a graduate in engineering and is presently holding the elective office of the Sarpanch of Chippada Gram Panchayat, Atchutapuram Mandal, Visakhapatnam District, has filed this petition for issue of a writ of mandamus to the respondents to ensure fullest implementation of the rehabilitation policy circulated by the government vide G.O.Ms.No.68, dated 8.4.2005 by alleging that the land of the villagers was acquired in the year 2001 for setting up Special Economic Zone by A.P. Industrial Infrastructure Corporation (APIIC), but they have not been paid substantial compensation and no effort has been made to rehabilitate them in accordance with the policy framed by the government.

We have heard Shri K.V. Subrahmanya Narasu, learned counsel for the petitioner and carefully scrutinised the affidavit of the petitioner and are convinced that the writ petition does not deserve to be entertained in its present form because the petitioner has miserably failed to discharge the primary obligation of placing before the Court some tangible evidence to show that the respondents have failed to implement the rehabilitation policy evolved by the government. In the affidavit filed by him, the petitioner has made bald statement regarding non-implementation of the rehabilitation policy framed by the government, but he has neither pleaded nor any evidence has been produced before the Court or any other enlightened citizen of the area

approached the State Government and its functionaries with the complaint that the villagers are being uprooted for establishing Special Economic Zone without framing any scheme for their rehabilitation. This gives an impression that in the name of public interest litigation, the petitioner has made an attempt to get publicity in the area.

Shri Narasu made strenuous efforts to persuade us to entertain the writ petition by presuming that the public authorities would act in violation of the policy decision taken by the government, but keeping in view the dangers which are inherent in accepting such oral statements, we decline to act upon the same. With the above observations, the writ petition is dismissed.

Needless to say that the persons who are sought to be uprooted in furtherance of the acquisition notifications without being given benefit of the policy of rehabilitation will be entitled to seek protection of the Court.

As a sequel to dismissal of the writ petition, WPMP No. 15099 of 2007 filed by the petitioner for interim relief is also dismissed.

G.S. SINGHVI, CJ

June14, 2007

C.V. NAGARJUNA REDDY, J

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